

## **REMARKS**

The present Amendment is in response to the Examiner's Office Action. Claims 1-11, 14-17, and 20-30 are amended. Claims 1-30 remain pending.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. GENERAL CONSIDERATIONS**

#### **A. Claim Amendments**

With particular reference to the claim amendments, Applicants note that while claims 1-11, 14-17, and 20-30 have been amended herein such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

#### **B. Remarks**

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose

contemporaneous or future consideration by the Applicants, in this case or any other, of additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

## **II. PRIOR ART REJECTIONS**

The Examiner rejected claims 1-30 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,970,928 to *Ihara et al.* (“*Ihara*”) in view of U.S. Pub. No. 2005/0090235 to *Vermola et al.* (“*Vermola*”). Applicants respectfully traverse the rejection in light of the following remarks.

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *See MPEP* § 2141.III (citing KSR, 550 U.S. at \_\_\_, 82 USPQ2d 1385, 1396). Moreover, “rejections on obviousness cannot be sustained by mere conclusory statements.” *See id.*

Applicants have amended the claims to more appropriately define Applicants’ invention. For example, the term “storage terminal” has been amended in the claims to be a “user storage terminal.” In addition, the amended independent claims also now recite that a “user content reproduction terminal [is] associated with the user storage terminal.” Basis for these amendments can be found at least on page 3, lines 10 to 15, of the specification as originally filed.

*Ihara* discloses a technique for effecting a live personal casting service from a user’s PC 106, via a streaming server 102, in a reserved time slot. *See Ihara*, column 5 lines 15-25. The time slot is reserved by the PC 106 communicating with a reservation control center 101 across the internet 103. Once the PC 106 has received its reservation information, either by

transmitting an encrypted file (column 27 line 66-col 28 line 6) or via a webpage (column 30 lines 5-32), the PC will connect to the streaming server 102 using the reservation information (i.e. information on the time slot and connection port to be used) and commence broadcasting content.

Therefore, *Ihara* describes a wholly different technique to that defined in claim 1 of the present application, which recites, among other things:

generating schedule data including a decryption key means  
for enabling decryption of the content data by the user storage  
terminal;

transmitting the schedule data to the user storage terminal  
via a mobile telecommunications network;

wherein...the schedule data is generated such that the  
schedule data controls a time at which the content data is decrypted  
by the user storage terminal...such that the decrypted content data  
can be transmitted...to the user content reproduction terminal  
associated with the user storage terminal.

Independent claims 6, 14, and 20, although of different scope than claim 1, each recite limitations similar to those of claim 1 above.

In *Ihara* the reservation information is described as being encrypted, but there is no disclosure of the content data being encrypted, let alone “schedule data [to control] a time at which the content data is decrypted by the user storage terminal,” as claimed. Thus, even assuming that the claimed “user storage terminal, associated with the user content reproduction terminal” corresponds to the user PC 106 in *Ihara*, which initiates the live streaming, there is no disclosure in *Ihara* of the aforementioned limitations.

As to *Vermola*, it is noted that the reference does not qualify as prior art under 35 U.S.C. § 103. In particular, *Vermola* claims priority to a provisional application filed November 5, 2003, whereas the present application, being a national stage entry under 35 U.S.C. § 371, has an earlier effective filing date of August 20, 2003. See *MPEP* § 2136.03.II; 35 U.S.C. § 363. See also *MPEP* § 2141.01.I (discussing how a reference qualifies as prior art under 35 U.S.C. § 103).

At any rate, while *Vermola* relates to a terminal for receiving broadcast services, and discloses encryption of those services, there is no disclosure in *Vermola* of schedule data that controls the time at which the services are decrypted.

Therefore, overall it is submitted that the Examiner has not established a *prima facie* case of obviousness with respect to independent claims 1, 6, 14 and 20. It is also submitted that it accordingly follows that the claims dependent from these independent claims are patentable over the cited art.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25th day of April, 2008.

Respectfully submitted,

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